

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v.-	:	20 Cr. 623 (JSR)
	:	
WILLIE DENNIS,	:	
	:	
Defendant.	:	
	:	
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**GOVERNMENT’S PROPOSED EXAMINATION**  
**OF PROSPECTIVE JURORS**

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The Government respectfully requests that the Court include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. The Court is requested to pursue more detailed questioning if a particular juror’s answer reveals that further inquiry is appropriate. If further questions might influence other prospective jurors, or might prove embarrassing to the juror, or would disclose sensitive information, the Government requests that such questioning take place at the bench or in the robing room. The Government further requests that all follow-up questioning conclude with an inquiry whether the particular fact or circumstance would influence the juror in favor of, or against, either the Government or the defendant, or otherwise affect the juror’s ability to serve as a fair and impartial juror in this case.

**The Charges**

1. This is a criminal case. The defendant, WILLIE DENNIS, has been charged with the commission of federal crimes in an Indictment returned by a Grand Jury sitting in this District. The Indictment is not evidence, and is not proof of a crime. It simply contains the charges that

the Government is required to prove to the satisfaction of the jury beyond a reasonable doubt. The defendant has denied the charges made by the Government and has pleaded not guilty to the Indictment.

2. Those of you who are selected to sit on this jury will receive a detailed explanation of the charges at the conclusion of the case, but I would like to give you a brief summary of the charges now, so that we can determine whether there is anything about the nature of this case that would make it difficult or inappropriate for you serve on the jury. After I summarize the charges, I will ask a series of questions. If you have an affirmative response to any of my questions, and would feel uncomfortable responding in open court, let me know and I will hear your answer at the bench or in the robing room.

3. The Indictment charges the defendant in three counts. Each count relates to the defendant's alleged cyberstalking of a particular victim, who were each his former co-workers, between 2018 and 2020. Specifically, each count charges the defendant with engaging in a campaign of harassment, intimidation, and threats against a particular victim, including by sending harassing, intimidating, and threatening emails and text messages to that victim.

4. Do any of you have any personal knowledge of the charges in the Indictment as I have described it? Have you read or heard anything about this case, including any accounts in the press or on websites? If so, is there anything that you have read or heard that would cause you to feel that you cannot decide the facts of this case fairly and impartially?

**Ability to Sit as Jurors**

5. Do any of you have a problem with hearing or vision which would prevent you from giving full attention to all of the evidence at this trial?

6. Do any of you have any difficulty in reading or understanding English?

7. Do any of you have any special medical problems or take medication that might interfere with your service as a juror in this case?

**Function of the Court and Jury**

8. The function of the jury is to decide questions of fact. You are the sole judges of the facts and nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact finders. However, when it comes to the law you must take your instructions from the Court, and you are bound by those instructions. You may not substitute your own notions of what the law is, or what you think the law should be. At the conclusion of the case, your job will be to determine whether or not the defendant is guilty as charged in the Indictment. Would you be reluctant or unwilling to follow my instructions as to the law governing this case?

9. Do any of you have any legal training, or have any relative or close friend who is an attorney? If so, would this for any reason prevent you from applying the law in this case as stated by the Court? Will each of you accept my instruction that you are not to discuss the case with anyone, including attorneys you may know, until you are excused as jurors?

10. Would you be unable or unwilling to accept and follow the principle of law that the question of punishment is for the Court alone to decide and that the possible punishment must not enter into the deliberations of the jurors as to whether the defendant on trial here is guilty?

11. Under the law, a defendant is presumed to be innocent and cannot be found guilty of the crime charged in the Indictment unless a jury, after having heard all of the evidence in the case, unanimously decides that the evidence proves that particular defendant's guilt beyond a reasonable doubt. Would any of you have difficulty accepting and applying this rule of law?

12. In a criminal case the burden of proof remains with the prosecution. It never shifts

to the defendant. For the jury to return a verdict of guilty as to any charge, the prosecution must prove beyond a reasonable doubt each and every element of the charge you are considering. A person charged with a crime has absolutely no burden to prove that he or she is not guilty. Would any of you have difficulty accepting and applying this rule of law?

13. You are required by law to make your decision based solely on the evidence or lack of evidence presented in Court, and not on the basis of conjecture, suspicion, sympathy, or prejudice. Would any of you have difficulty accepting and applying this rule of law?

14. A defendant in a criminal case has the right to testify and the right not to testify. If a defendant does not testify, the jury may not draw any inference against him based on that decision. The fact that a defendant chooses not to testify may not enter into a jury's deliberation at all. Would any of you have difficulty accepting and applying this rule of law?

15. Do any of you believe that our system of criminal justice improperly favors either the prosecution or the defense?

16. Do any of you feel that, even if the evidence established the guilt of a defendant beyond a reasonable doubt, you might not be able to render a guilty verdict against the defendant for reasons unrelated to the law and the evidence, including any religious, philosophical, or other belief?

17. In the alternative, if the Government fails to prove the defendant's guilt beyond a reasonable doubt, is there any juror who feels he or she could not render a verdict of not guilty with respect to the defendant?

18. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, does any juror have the slightest doubt in his or her mind, for any reason whatsoever, that he or she will be able

to serve conscientiously, fairly, and impartially in this case, and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained to you?

19. Do you know any other prospective member of this jury?

**Nature of the Charges**

20. As I explained earlier, the defendant in this case is charged with alleged violations of a law criminalizing the stalking, harassment, and intimidation of others, including by sending text messages and emails to the victims. Is there anything about the nature of these charges that would cause you to be unable to render a fair and impartial verdict in this case?

21. I expect that, at trial, the evidence will reflect that the alleged victims are former colleagues of the defendant. Is there anything about the nature of these allegations that would cause you to be unable to render a fair and impartial verdict in this case?

22. Do any of you feel that you have strong policy views on the crimes charged in the Indictment that would make it difficult for you to follow my instructions on the law and to base your verdict solely on the evidence in this case?

23. Have you formed an opinion that the actions charged in the Indictment, as I have described them to you, should not be crimes or should not be prosecuted federally? Do you have any opinions or beliefs about the enforcement of these or other federal laws that might prevent you from being fair and impartial in this case?

24. You may hear that the defendant at times invoked Biblical or religious references in his messages to support his actions. Is there anything about the defendant's invocation of religion that would make it difficult for you to be a fair and impartial juror in this case?

25. Have you or anyone close to you ever been involved – as a defendant, victim,

witness, or in any other way – in any case involving stalking, cyberstalking, harassment, or threats?

26. Do you have any connection to the law firm K&L Gates?

27. You may hear that the defendant in this case has filed a lawsuit against his former employer. I instruct you that this is a criminal case, and the defendant's employment lawsuit is not at issue here. Would any of you have difficulty following my instructions that the defendant's lawsuit is not at issue here?

28. Have you ever been a participant in a lawsuit relating to alleged wrongful termination from a job? Have you ever been a participant in a lawsuit alleging racial discrimination? Would anything about that experience make it difficult for you to serve as a fair and impartial juror in this case?

29. Do you have any personal knowledge of the facts or the charge in this case as I have described them to you?

30. Have you heard or read about this case or the defendant in the media or on the Internet? If so, what have you read or heard? If you have read or heard about this case, would it affect your ability to serve as a fair and impartial juror?

**Knowledge of Trial Participants**

31. Do any of you know, or have you had any direct or indirect dealings with the defendant, WILLIE DENNIS *[Please ask the defendant to stand.]* Do any of you know, or have you had any direct or indirect dealings with any relatives, friends, or associates of the defendant?

32. To your knowledge, do you have any relatives, friends, associates, employers, or employees who know, or who may have had any dealings with, the defendant, or with any relatives, friends, or associates of his?

33. The Government is represented officially here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, Damian Williams. Do any of you know Mr. Williams? The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Sarah Kushner, Stephanie Simon, and Kimberly Ravener. They will be assisted by Special Agent Elisabeth Wheeler of the Federal Bureau of Investigation, also known as the FBI, and Colleen Geier and Joseph Magliocco, paralegals in the United States Attorney's Office. *[Please ask each to stand.]* Do any of you know Ms. Kushner, Ms. Simon, Ms. Ravener, Special Agent Wheeler, Ms. Geier, or Mr. Magliocco? Have any of you had any dealings, either directly or indirectly, with any of these individuals?

34. A defendant in a criminal case has a constitutional right to waive his right to a lawyer and represent himself in Court and to act as his own attorney. The defendant has chosen to do that in this case, and so he will be representing himself in this trial and acting as his own attorney during the proceedings in this case. Do any of you have any opinions or beliefs about a defendant who chooses to represent himself that might prevent you from being fair and impartial in this case?

35. I am now going to give you a list of additional names of people, businesses, and locations that may be mentioned during the trial. When I am finished, please raise your hand if you know any of the people, businesses, or locations I name, or if you have had any direct or indirect dealings with them. *[A list of witnesses and other people, businesses, and locations has been provided to the Court in a separate, standalone document.]*

36. Do any of you have relatives, friends, associates, employers, or employees who, to your knowledge, either know or have had some dealings with any of these individuals, businesses, or specific locations?



**Relationship with the Government**

37. Do any of you know, or have any association—professional, business, or social, direct or indirect—with any member of the staff of the United States Attorney’s Office for the Southern District of New York; or with any member of the staff of the FBI; or with any other law enforcement agency?

38. The witnesses in this case will include present or former members of law enforcement, including members of the FBI. Would you be unable or unwilling to follow my instruction that the testimony of a law enforcement officer is entitled to no more and no less weight than the testimony of another witness simply because the witness is a law enforcement officer?

39. Have you, or has anyone with whom you are close, either as an individual or in the course of business, ever been party to any legal action or dispute with any state or local law enforcement agency, the United States or any of the officers, departments, agencies, or employees of the United States, or had any interest in such legal action or dispute or its outcome?

40. Have any of you, either through any experience you have had, or anything you have seen or read, developed any bias or prejudice for or against the United States Attorney’s Office, the FBI, or any other federal, state, or local government law-enforcement agency?

**Prior Jury Service**

41. Have you ever served as a member of a grand jury, whether in federal, state, or local court? If so, when and where?

42. Have you ever served as a juror in a trial in any court? If so, in what court did you serve and was it a civil or criminal case? What type of case was it? Without telling us what the verdict was, please tell us whether the jury reached a verdict in that case.

43. For those of you who have described prior jury service, is there anything about

your prior experiences as a juror that would prevent you from acting as a fair and impartial juror in this case?

**Experience as a Witness, Defendant, or Crime Victim**

44. Have you, or has any relative or close friend of yours ever been involved, or appeared as a witness, in any investigation by a federal or state grand jury or by a Congressional or state legislative committee, licensing authority, or Governmental agency?

45. Have you or has any relative or close friend of yours ever been a witness or a victim in any hearing or trial, whether federal, state, local, or in another country?

46. Are you, or is any member of your family or close friend, now under subpoena or, to your knowledge, about to be subpoenaed in any case?

47. Have you or has any member of your family, any associate, or close friend, ever been arrested or charged with a crime?

48. To your knowledge, have you or has any relative, associate, or close friend ever been the subject of any investigation or accusation by a prosecutor, any federal or state Grand Jury, or any other law enforcement agency?

49. Have you, or has any friend or relative of yours, ever been a victim of a crime of any kind?

**Ability to Render a Fair Verdict**

50. *Law Enforcement Witnesses.* The witnesses in this case will include agents with the FBI and other law enforcement personnel. Would you be more likely to believe or disbelieve a witness merely because he or she is a law enforcement officer?

51. Do you have strong feelings or opinions either in favor or against the FBI? Would those opinions make it difficult for you to render a wholly fair and impartial verdict?

52. *Searches.* Some of the evidence may come from searches performed by law enforcement officers. I instruct you that those searches were legal and that the evidence obtained from those searches is admissible in this case. Do you have strong feelings about searches conducted by law enforcement officers or the use of evidence obtained from searches at trial?

53. *Electronic Communications.* Some of the evidence in this trial will be text messages, e-mail messages, and other electronic communications. I instruct you that these communications were properly obtained by the Government and that it is proper for this evidence to be introduced at trial for your consideration. Do any of you have any feelings or opinions about the use of evidence obtained by law enforcement that could affect your ability to be fair in this case?

54. *Particular Types of Evidence.* Does anyone have any expectations about whether certain types of evidence, such as DNA or fingerprint analysis, should be presented by the Government at a criminal trial? Would any of you be unable to follow my instructions that the Government is not required to use any particular technique investigating and presenting evidence of a crime?

**Individual Juror's Background**

55. The Government respectfully requests that the Court ask each juror to provide the following information:

- a. the juror's current town of residence, or neighborhood if the juror resides in New York City;
- b. the educational background of the juror, including the highest degree obtained;
- c. the juror's current occupation and the name of the juror's employer;
- d. the period of employment with that employer;

- e. the same information concerning other employment of the juror within the last five years, or if retired, what the juror did before retirement;
- f. the juror's marital status, whether they have children, and whether the juror has other members of his/her household;
- g. the occupations of other adult members of the juror's household and of any children of the juror who are employed;
- h. from which sources the juror receives his/her daily news, including any newspapers, magazines, or websites;
- i. which television and radio programs the juror watches or listens to on a regular basis;
- j. which Internet websites the juror visits on a regular basis;
- k. whether the juror is active in any associations, organizations, clubs, or unions; and what else the juror does in his/her spare time.

\* \* \*

From time to time during the trial it may become necessary for me to talk with the lawyers out of the hearing of the jury, either by having a conference at the bench when the jury is present in the courtroom—what we call a “sidebar”—or by calling a recess. Please understand that while you are waiting, we are working. The purpose of any conference outside your viewing is not to keep relevant information from you, but to decide certain procedural issues or how certain evidence is to be treated under the Rules of Evidence and to avoid confusion and error.

Now, we will be going to sidebar to discuss whether any jurors should be struck for cause.

*[Discuss and resolve for-cause challenges at sidebar.]*

**Requested Instruction Following Impaneling of the Jury**

56. From this point on, until you retire to deliberate on your verdict, it is your duty not

to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family and friends. It also extends to any postings that you may make to social media, and I instruct you now that you are not to use Twitter, Facebook, Instagram, Snapchat, a personal blog, or any other form of social media to post anything related to this trial until after you have returned a verdict.

57. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me, and to no one else, including your fellow jurors. In this regard, please let me explain to you that the attorneys and the defendant are not supposed to speak with any juror, even to offer a friendly greeting. So if you happen to see any of them outside this courtroom, they will and should ignore you. Please do not take offense. They will only be acting properly and pursuant to the Court's instructions by doing so.

58. If anything should happen involving any of you that is of an unusual nature, or which you think is something the Court should be told about, do not discuss it with any other juror. Simply give the clerk a note to the effect that you want to speak to me about it and I can then hear what it is and what you have to say. Of course, I do not expect anything unusual or

improper to happen.

Dated: New York, New York  
October 5, 2022

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_/s/\_\_\_\_\_  
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